

REMARKS

Amendment summary

Claim 1 is amended to incorporate subject matter from Claim 9, which is canceled.

No new matter is added by this Amendment, and Applicants respectfully submit that entry of this Amendment is proper.

Information Disclosure Statement

Applicants thank the Examiner for considering the Information Disclosure Statement submitted on March 23, 2010, but respectfully requests that the Examiner return a copy of the Form PTO/SB/08 which indicates that JP 2001-527102, JP 2001-503074, and JP 2002-507825 have been considered. As stated in the Information Disclosure Statement, the U.S. patents and application publication provided with the Information Disclosure Statement meet the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for these foreign language documents. In addition, these documents are listed on the search report submitted with the present application and submitted again with the Information Disclosure Statement of March 23, 2010. The search report, too, meets the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for these foreign language documents. Accordingly, these references should not have been struck through on the Form PTO/SB/08 and should have been considered.

Applicants therefore respectfully request that the Examiner indicate that these references have been considered.

Response to rejection of Claim 9 under 35 U.S.C. § 112

Claim 9 has been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Although Applicants respectfully disagree with the rejection, Applicants have removed the phrase “the molecule” from the subject matter of Claim 9 (incorporated into Claim 1 by the present Amendment) solely for the purposes of advancing prosecution. Accordingly, Applicants respectfully submit that this rejection has been rendered moot.

Response to rejection of Claims 1-13 under 35 U.S.C. § 102

Claims 1-13 have been rejected under 35 U.S.C. § 102(a) or 102(e) as allegedly being anticipated by Kitano et al. (U.S. Patent Application Publication No. 2004/0109955) (hereinafter “Kitano”). Applicants respectfully traverse on the basis that, contrary to the position set forth in the Office Action, Kitano fails to disclose or suggest the presently recited polymer compound comprising a repeating unit of the following formula (1) and at least one polymerizable substituent. Accordingly, Applicants respectfully request the reconsideration and withdrawal of this rejection.

Response to rejection of Claims 1-8 and 10-13 under 35 U.S.C. § 103 based on Kreuder

Claims 1-8 and 10-13 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kreuder et al. (U.S. Patent No. 5,814,244) (hereinafter “Kreuder”). Applicants respectfully submit that this rejection has been rendered moot by the incorporation of the subject matter of Claim 9 (which was not rejected under this heading) into independent Claim 1. Accordingly, Applicants respectfully request the withdrawal of this rejection.

Response to rejection of Claims 1-6 and 10-13 under 35 U.S.C. § 103 based on Yamamoto

Claims 1-6 and 10-13 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yamamoto et al. (U.S. Patent No. 6,034,206) (hereinafter “Yamamoto”). Applicants respectfully submit that this rejection has been rendered moot by the incorporation of the subject matter of Claim 9 (which was not rejected under this heading) into independent Claim 1. Accordingly, Applicants respectfully request the withdrawal of this rejection.

Response to rejection of Claims 1-7 and 9-13 under 35 U.S.C. § 103 based on Allen

Claims 1-7 and 9-13 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Allen et al. (U.S. Patent No. 6,630,566) (hereinafter “Allen”). Applicants respectfully traverse on the basis that, contrary to the position set forth in the Office Action, Allen fails to disclose or suggest the presently recited polymer compound comprising a repeating unit of the following formula (1) and at least one polymerizable substituent. Accordingly, Applicants respectfully request the reconsideration and withdrawal of this rejection.

Response to provisional nonstatutory obviousness-type double patenting rejection

Claims 1-13 have been provisionally rejected on the grounds of nonstatutory obviousness-type double patenting based on copending U.S. Patent Application No. 10/647,454. Applicants respectfully request that this rejection be reconsidered in view of the arguments set forth above.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ Travis B. Ribar /

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Travis B. Ribar
Registration No. 61,446

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: November 9, 2010